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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Fifteenth session

SUMMARY RECORD OF THE 29th MEETING*

Held at the Palais des Nations, Geneva,
on Tuesday, 19 November 1996, at 10 a.m.

Chairperson: Mr. ALSTON

later: Mr. CEAUSU
(Vice-Chairperson)

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Second periodic report of the Dominican Republic

* No summary record was issued for the 28th meeting.

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GE.96-19130 (E)

The meeting was called to order at 10.20 a.m.

ORGANIZATION OF WORK (agenda item 2) (continued)

1. The CHAIRPERSON recalled that, to the Committee's concern, the report of Honduras was long overdue. He and Mr. Texier had held a meeting earlier in the day with the Permanent Representative of the Republic of Honduras, who had assured them that his country's report would be forthcoming by May 1997. He trusted that that would be the case and proposed that the Committee should therefore defer its special procedure of adopting concluding observations in the absence of a report. He had also been notified informally that Egypt would submit its report by the end of 1997. There, too, the special procedure need not be applied.

2. Mr. Ceausu (Vice-Chairperson) took the Chair.

CONSIDERATION OF REPORTS:

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (agenda item 4)

Second periodic report of the Dominican Republic (E/1990/6/Add.7; E/C.12/1995/LQ.7)

3. At the invitation of the Chairperson, Ms. Bonetti Herrera (Dominican Republic) took a place at the Committee table.

4. The CHAIRPERSON, after noting that the report of the Dominican Republic had been submitted on 28 November 1994, which meant that there had already been a two-year delay in considering it, invited the representative of the State party to respond to the questions on the list of issues prepared by the Committee (E/C.12/1995/LQ.7).

5. Ms. BONETTI HERRERA (Dominican Republic) said that, following the recent election of a new Government, a total restructuring of government departments had taken place and it had not been possible for experts to come and answer the Committee's questions in person. She would relay any questions and endeavour to provide answers by the end of the year. She wished, however, to point out that the decree governing the evictions that had so concerned the Committee (E/C.12/1994/15, paras. 8-16) had been abrogated and the human rights of those concerned had been respected.

6. The CHAIRPERSON said that he found the absence of experts disappointing. Political changes should not mean that government services were suspended. He suggested that the representative of the State party should brief the Committee on the general situation in her country. Consideration might then be given to what action to take regarding the report.

7. Ms. BONETTI HERRERA (Dominican Republic) said that change in countries such as hers always tended to be drastic. Much new legislation was in preparation, including laws to comply with the International Labour Organization Protection of Workers' Claims (Employer's Insolvency) Convention, 1992 (No. 173) and Prevention of Major Industrial Accidents

Convention, 1993 (No. 174), as well as legislation on overtime work and a new labour code. She also drew attention to a trade and investment treaty between the Dominican Republic and the Republic of Honduras, of 4 November 1995, to an agreement between her country and the Swiss Centre for Development Cooperation in Technology and Development, and to decree 240/96 - a modification of decree 165/95 - which declared the site of a new cement factory to be in the public domain. A new law concerning the mining of lime and mineral by-products was to be passed. Attention would be paid to environmental issues. Action would also be taken on human rights. She regretted that she was unable to be more specific.

8. Mr. GRISSA observed that the Committee had already more than once agreed to postpone consideration of the Dominican Republic's report owing to "exceptional circumstances". As members would recall, in 1994 the representative of the State party had given an assurance that experts would be able to attend at a later point. Either the report was not valid or else experts should be prepared to defend it.

9. The CHAIRPERSON said that there had been ample time for preparation and the Committee should have been informed earlier if no experts were going to attend. Furthermore, as States parties and not Governments were signatories to the Covenant, a country had an obligation to report, whatever Government was in power.

10. Mr. TEXIER said that, since President Balaguer had been in power for 30 years, there could hardly be said to be a lack of continuity in the country. Moreover, the Dominican Republic had had contacts with the Committee since 1990. He welcomed the information that at least the forced evictions had ceased but nothing had been said, for example, about the situation of Haitians in sugar plantations. Although the Committee had postponed consideration of implementation of the Covenant several times, the report currently before it was clearly incomplete and contained no new elements. He was at a loss as to how the Committee should proceed.

11. Mrs. JIMENEZ BUTRAGUEÑO said that the Dominican Republic's inability to respond to the Committee's list of issues was disturbing. It seemed as though the civil service was not functioning like a professional body. No great political upheaval had occurred in the Dominican Republic. Her country, Spain, when confronted with far-reaching changes in its recent history, had nevertheless managed to comply with its reporting obligations. The situation regarding the Dominican Republic was not normal.

12. Mrs. BONOAN-DANDAN said that the Committee was currently engaged in a futile exercise. It had scheduled the report of the State party for consideration on several previous occasions but the Government had always found a reason for not sending a delegation. That suggested that it did not atach due importance to the Committee's work, and raised questions about the Dominican Republic's commitment to the realization of economic, social and cultural rights. She therefore proposed that the Committee should proceed to draft its concluding observations on the basis of the material available to it.

13. Mr. ALVAREZ VITA thanked the Ambassador of the Dominican Republic for attending. The present occasion was not the first on which a reporting State's delegation had consisted solely of members of its mission in Geneva. The Dominican Republic was, in fact, being represented and the Committee, even if it again felt disappointed, should not postpone consideration of the report. The Ambassador could take note of the Committee's concerns and reply to members' questions to the best of her ability. Only then could the Committee draw up its concluding observations. Any other course would be contrary to normal procedures and might set a precedent.

14. Ms. BONETTI HERRERA (Dominican Republic) said she recognized that the Committee had reason to feel disappointed, since she was not in a position to reply to detailed technical questions. The person who had been due to come to Geneva to do so had been held up at the last minute. Moreover, the changes that had recently taken place in the Dominican Republic had been quite drastic, and there had also been problems of communication. Everything was in a state of flux, with many changes of personnel. She herself had come to the meeting to do whatever she could to reply to questions, but she could not indicate exactly what the new Government was planning to do in respect of many of the problems facing her country. In any event, replies would be sent by the end of the year if possible.

15. The CHAIRPERSON remarked that States continued to function despite changes of Government. The situation in the Dominican Republic was not out of control, and the laws were still being applied. The Ambassador had stated that she could reply to straightforward questions, even if not to technical ones. Some information was already available in the country file and, in that regard, it would be helpful if the Government of the Dominican Republic could submit a core document on aspects such as its land and people, form of government and legal system.

16. Mr. THAPALIA said that his country, Nepal, had itself experienced a number of successive Governments of different political colours. He knew the problems involved.

17. Mr. GRISSA agreed with Mr. Alvarez Vita that the Committee should not further postpone consideration of the report.

18. Mr. ADEKUOYE, Country Rapporteur, thanking the Ambassador for coming to the meeting, suggested that she should respond to those points which she was able to deal with herself, taking one group of issues at a time.

19. Ms. BONETTI HERRERA (Dominican Republic), commenting on issues 1 to 3, explained that the Dominican Republic had an area of about 48,000 km^2 and a population of some 7.6 million people, in which all major religions were represented. The country was a member of Caribbean regional groupings. It had a large foreign debt and the new Government was making the necessary approaches to international financial institutions.

20. The CHAIRPERSON pointed out that the Ambassador should not assume that members of the Committee had very detailed knowledge of the Dominican Republic. It was of interest, for example, to learn that many

religions were represented in the country, but it would be helpful to know what proportion of the population was accounted for by each of them.

21. Mrs. RONOAN-DANDAN, supported by Mr. GRISSA, Mrs. JIMENEZ BUTRAGUEÑO, and Mr. ALVAREZ VITA, suggested that some time should be allowed for the representative of the State party to obtain further information from her Government.

22. The CHAIRPERSON observed that ambassadors were generally well informed about the situation in their country, especially regarding the matter of legal and administrative structures, which was the next item on the list of issues.

23. Mr. ADEKUOYE said that the Committee should, indeed, proceed in the proper order, the representative having had ample time to acquaint herself with the list of issues.

24. Mr. TEXIER pointed out that the Dominican Republic had in fact been given nearly a year to prepare answers: a few extra hours would make little difference. He was beginning to feel that a mockery was being made of the Committee.

25. Mr. KOUZNETSOV, noting the awkwardness of the situation, proposed that the representative herself should be asked how she wished to proceed.

26. Ms. BONETTI HERRERA (Dominican Republic), expressing her appreciation to Mr. Kouznetsov, said that many of the questions had a political aspect and she had not received official instructions on how to respond. Although not herself an expert on human rights, she had wanted a representative of the Dominican Republic to be present during the consideration of the report. She was prepared to report back to the Committee after contacting her Government, and would also convey the Committee's concerns regarding economic, social and cultural rights in the Dominican Republic.

27. After a procedural discussion in which Mr. AHMED, Mr. ADEKUOYE, Mrs. JIMENEZ BUTRAGUEÑO, Mr. ALVAREZ VITA and Mr. TEXIER took part, the CHAIRPERSON invited the representative of the State party to respcnd to further questions at the next meeting.

The meeting rose at noon.